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COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION
Forty-fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Twelfth periodic reports of States parties due in 1993

Addendum

CANADA*

[14 July 1994]

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* For the ninth and tenth periodic reports submitted by the Government of Canada and the summary records of the Committee at which those reports were considered, see:

Ninth periodic report - CERD/C/159/Add.3 (CERD/C/SR.905-906);

Tenth periodic report - CERD/C/185/Add.3 (CERD/C/SR.905-906);

The eleventh periodic report (CERD/C/210/Add.2) is still pending consideration by the Committee.

Introduction

1. The present report is the twelfth submitted by Canada under the terms of the International Convention on the Elimination of All Forms of Racial Discrimination. This report covers the period January 1992 to May 1993.

2. The present report contains information on measures adopted by the Government of Canada and the provincial and territorial governments in the period mentioned and takes into account comments made by members of the Committee on the Elimination of Racial Discrimination during their examination of previous reports, and their requests for additional information.

3. Please note that although the Convention does not specifically refer to indigenous people, this report will, as for previous reports, cover aspects of the situation of Canada's Aboriginal people which are relevant to the Convention. It must, however, be underlined that Canada's Aboriginal people do not consider themselves as members of an "ethnic group", nor does the federal Government consider Aboriginal people to be an "ethnic group". This is a reflection of the fact that the Aboriginal people wish to emphasize the uniqueness of their situation as the original inhabitants of Canada and to affirm a special relationship with the State based on unique entitlements.

I. GENERAL

Information on the land and the people

4. Canada is a federal State comprising 10 provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan) and two territories (Northwest Territories and Yukon). While the ratification of international treaties is the prerogative of the Government of Canada, the implementation of the treaties requires the active participation of the governments which have the jurisdiction over the subject matters covered. In Canada, the responsibility for the areas covered by the International Convention on the Elimination of All Forms of Racial Discrimination is shared by the Government of Canada, the provincial governments and, following a delegation of authority by the Parliament of Canada, the territorial governments.

5. The 17th census of the population since Confederation (1867) was conducted in June 1991. The census included questions on ethnic origin, defined as the ethnic or cultural group to which an individual's ancestors belonged, regardless of place of birth, citizenship or nationality. In 1991, approximately 16 per cent of the population was made up of immigrants. Answers to questions on ethnic origin are divided into "single responses", i.e. those indicating only one ethnic origin, and "multiple responses", i.e. those indicating two or more ethnic origins. The following table lists the 10 principal ethnic origins found by the 1991 census:

Table 1. Ten Principal Ethnic Origins, 1991 Census

CANADA	Number	%
Total Population	26,994,045	100.0
Single responses	19,199,795	71.1
1. French 1/	6,146,605	22.8
2. British 2/	5,611,050	20.8
3. German	911,560	3.4
4. Canadian	765,095	2.8
5. Italian	750,055	2.8
6. Chinese	586,645	2.2
7. Aboriginal 3/	470,615	1.7
8. Ukrainian	406,645	1.5
9. Dutch (Netherlands)	358,185	1.3
10. East Indian	324,840	1.2
Multiple responses	7,794,250	28.9

Source: Statistics Canada

1/ "French" includes single responses of French, Québécois and Acadian.

2/ "English" includes single responses of English, Irish, Scottish, Welsh and other British.

3/ "Aboriginal" includes single responses of Inuit, Métis, and North American Indian.

II. JURISPRUDENCE OF NATIONAL APPLICATION

Article 4

Canadian Charter of Rights and Freedoms

6. In R. v. Zundel, [1992] 2 S.C.R. 731, the Supreme Court of Canada struck down s. 181 of the Criminal Code which criminalized the wilful publication of a false statement likely to cause injury to the public interest. The accused published a booklet which argued, among other things, that the Holocaust was a myth perpetrated by a worldwide Jewish conspiracy. According to the Court, s. 181 was contrary to the guarantee of free expression in s. 2(b) of the Charter which protects all communications conveying or attempting to convey meaning. Nor could this limit on free expression be justified under s. 1 of

the Charter as the original purpose of the offence - preserving political harmony by preventing slanders against the monarch and the nobility - was not pressing and substantial in today's society and could not be transformed into an objective of preserving racial, religious or ethnic harmony.

7. It is important to note that the Court distinguished its conclusions in this case from those previously reached under s. 319(2) of the Code in R. v. Keegstra and R. v. Andrews and Smith (discussed in the 11th report). The Court stated that s. 319(2) of the Code, which criminalizes the wilful dissemination of hatred, was "sufficiently circumscribed so as not to inhibit unduly expression ... focusing as [it] did on statements intended to cause 'hatred against any identifiable group'".

Article 5

Canadian Human Rights Act

8. During the report period, the Supreme Court of Canada released two major decisions relating to human rights legislation. Although these cases were under provincial human rights legislation, they are directly relevant to the interpretation and application of the Canadian Human Rights Act.

9. The first case is Central Okanagan School District No. 23 v. Renaud concerning discrimination on religious grounds. In previous cases, the Court had held that employers have a duty to accommodate except where this would cause undue hardship. In this case, the Court expanded upon and emphasized the importance of this duty. The Court held that an employer must make reasonable efforts to accommodate, even where this might cause some hardship, so long as it is not undue hardship. In addition, unions were found to have a duty to accommodate. The Court noted that while accommodating the special needs of some individuals and groups may affect others in the workplace, "[m]inor interference or inconvenience is the price to be paid for religious freedom in a multicultural society".

10. The second case is University of British Columbia v. Berg, in which the Court considered the application of human rights legislation to the provision of goods, services and facilities available to the public. The Court stated that human rights legislation applies not only to services and facilities available to all members of the public, but also to services and facilities available only to smaller, more restricted groups. Thus, the university was subject to the provincial human rights code, not only when considering a member of the public for admission, but also when providing services or facilities to a student already admitted to the university. The ultimate result of this case is an extended application of human rights codes in both the private and public sectors.

III. MEASURES ADOPTED BY THE GOVERNMENT OF CANADA

Article 2

Aboriginal programmes and issues

11. The federal Government has expanded the process for negotiating land claims with Aboriginal groups. Comprehensive land claims, which are based on traditional use and occupancy of lands, are continuing, often in conjunction with negotiations of self-government arrangements. Specific claims settlements, which deal with breaches of lawful obligations under treaty or the Indian Act, are being reached, including a particular class of specific claims to address outstanding treaty land entitlements in the Prairie provinces.

12. The Gwich'in Land Claim Settlement Act was proclaimed in December 1992. Legislation is expected soon for several land claim settlements, including that of the Tungavik Federation of Nunavut, the largest comprehensive land claim settlement in Canada. The Government has made a commitment to recommend legislation to Parliament to divide the Northwest Territories and create a Nunavut Territory.

13. The federal Government has made the resolution of outstanding treaty Land Entitlement Claims a priority. In September 1992, the Prime Minister, the Premier of Saskatchewan and the Federation of Saskatchewan Indian Nations signed a framework agreement which provides cash in lieu of land and which facilitates the acquisition of land and the creation of reserves. About $446 million will go to bands over 12 years and enable them to acquire up to 1.5 million acres of land to add to reserves.

14. As part of efforts to define the rights of Aboriginal people, including self-government, representatives of Aboriginal groups were involved in constitutional discussions leading to the Charlottetown Accord. The Accord was not approved, however, in a national referendum. The rights to self-government within Canada is a high priority of Aboriginal people. The federal Government has continued to pursue self-government arrangements, such as negotiations leading to legislation for community-based self-government.

The Royal Commission on Aboriginal People

15. The Royal Commission on Aboriginal People has been set up and has begun work on a wide range of issues, including Aboriginal self-government, land-base requirements, outstanding land claims, constitutional guarantees of Native rights, the Indian Act and social, economic, cultural and educational matters. The Commission is to issue its final report in 1994.

16. The federal Government is examining ways of improving the Canadian justice system for all members of Canadian society, both inside and outside Aboriginal communities, while at the same time supporting community-based Aboriginal justice programmes developed and delivered by Aboriginal people themselves.

17. In September 1991, the Government announced an Aboriginal justice initiative, the terms of which will be fully developed over the next five years. Among the areas which this initiative will explore are policy consultation, cross-cultural training, community-based public legal education, Aboriginal recruitment, and improvement of the Native Court-workers and Legal Studies for Aboriginal People programmes. Long-term policy and programme proposals on Aboriginal justice reform will be presented to and examined by Ministers in 1995.

Multiculturalism and the justice system

18. A Federal-Provincial-Territorial Working Group on Multiculturalism and Race Relations in the Justice System was established in June 1992 to recommend ways in which the justice system can better provide equal access and fair treatment to members of all ethno-cultural groups in Canada. The Working Group is currently focusing its work on three areas:

(a) How the criminal justice system can more effectively address criminal behaviour motivated by hate or bias;

(b) How the criminal justice system can more effectively address specific patterns of crime within ethno-cultural and racial minority communities and, in particular, provide better support and protection to members of the affected minority communities;

(c) How the justice system can more effectively address the justice-related needs of ethno-cultural and racial minority communities, particularly with respect to police relations, linguistic and cultural barriers and under-representation in key parts of the justice system.

Treasury Board

19. The Treasury Board, as employer for the Public Service (which includes some 80 departments and agencies), issued a revised employment equity policy in 1991. Four groups of people are designated as being at a disadvantage in employment: Aboriginal people, members of visible minorities, persons with disabilities and women. The policy's principal objective is to identify and eliminate barriers to members of designated groups in employment policies, procedures and attitudes.

20. Between 1987 and 1990, the representation of Aboriginal people and of visible minorities in the Public Service evolved as follows:

	1987	1989	1991
Aboriginal people	3,810 (1.8%)	3,898 (1.8%)	4,298 (2.0%)
Visible minorities	5,722 (2.7%)	6,610 (3.1%)	7,810 (3.6%)

21. The Treasury Board has created five special programmes, administered by the Public Service Commission, aimed at providing employment opportunities for members of designated groups. Among these programmes are the National Indigenous Development Program and the Northern Careers Program (both for Aboriginal people), and the Visible Minority Employment Program.

22. In 1992, the Government acted to underscore employment equity both in terms of its legal standing and its openness to public scrutiny, by adding employment equity provisions to the Financial Administration Act. These provisions give Treasury Board the power to designate groups found to be at a disadvantage in employment and the responsibility to eliminate policy and attitudinal barriers hampering such groups. The Treasury Board also has the responsibility to take positive measures to ensure that the representation within the Public Service of members of designated groups is proportional to the representation of those groups within the work force, or within that section of the work force from which the Public Service recruits and promotes employees. The Treasury Board is also charged with preparing plans for employment equity goals for each Public Service institution. The new legislation requires the President of the Treasury Board to present to Parliament a yearly report on employment equity in the Public Service.

The Public Service Commission of Canada

23. In order for the Public Service to be representative of the general population, the Public Service Commission has adopted a more "targeted" approach to recruitment. Recently, a national recruitment campaign was specifically aimed at attracting well-qualified persons with disabilities to the Public Service. The Campaign advertised in magazines directed to persons with disabilities and sent direct mailings to 350 universities and rehabilitation organizations.

24. The Public Service Commission launched a "Managing Diversity Training Strategy" intended to help managers deal with a more diversified workforce. As part of the Strategy, a review was made of training and development tools available in North America and an assessment was carried out of needs for such training within federal departments. As a result, orientation seminars and training modules have been set up to assist managers and employees.

25. The Public Service Reform Act has been recently modified to create an employment equity system similar to that governing employers under the Employment Equity Act. The Act now specifies the role and powers of the Commission in applying employment equity policies.

Department of Communications

26. The Department has established an Employment Equity Working Group for Aboriginal Employees. It provides a forum for Aboriginal employees to voice opinions, identify barriers and recommend measures to eliminate them.

Department of External Affairs

27. The Department of External Affairs and International Trade has adopted a five-year plan to increase the representation of visible minorities among departmental employees from the present 3 per cent to 4 per cent by 1996. The Department is making a special effort in its yearly recruitment of new foreign service officers; in 1991, 11.6 per cent of newly recruited officers were members of visible minorities. The Department has also committed itself to increasing the number of Native employees, notably by creating a special training programme for Aboriginal candidates. Five Canadians of Native descent have been hired by the Department since the launching of the programme. In July 1993, 39 employees, or 1.1 per cent of the Department's personnel, were Native Canadians.

28. The Department is attempting to increase sensitivity to multicultural issues among its managers, particularly those responsible for consular operations. The Department also consults regularly with ethnic groups established in Canada on questions of foreign policy of particular interest to them. For example, many ethnic groups are invited to participate in yearly consultations held by the Department in preparation for sessions of the Commission on Human Rights.

29. See also paragraph 34 on employers' "duty of accommodation" toward certain groups.

Article 3

Apartheid

30. Canada has systematically applied pressure on the Government of South Africa through the Commonwealth, the United Nations and other organizations to bring about a dialogue with the leaders of Black movements. Some of the means that have been used are economic and financial sanctions, aid to the oppressed majority in South Africa and measures to strengthen the independence of neighbouring States. In 1992-93, Canada devoted more than $13 million to development aid through the Canadian International Development Agency (CIDA). Canadian aid aims to support a peaceful transition to democracy by assisting victims of apartheid and helping prepare Blacks for the roles which they will rightfully assume in post-apartheid South Africa.

Other international action

31. At the forty-seventh session of the United Nations General Assembly (September-December 1992), Canada co-sponsored resolution 47/78 entitled "Status of the International Convention on the Elimination of All Forms of Racial Discrimination", resolution 47/79 entitled "Report of the Committee on the Elimination of Racial Discrimination" and resolution 47/80 entitled "Ethnic cleansing and racial hatred". Canada also supported the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

32. At the forty-ninth session of the Commission on Human Rights, which took place in Geneva at February-March 1993, Canada co-sponsored resolution 1993/20 entitled "Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance".

33. Canada directly contributed to the insertion of a paragraph on racial discrimination in the final documents of the meeting of the Council of Ministers of the Conference on Security and Cooperation in Europe (CSCE) held at Prague in January 1991 and of the follow-up meeting at Helsinki in 1992 (document adopted in July 1993).

Article 5

Amendments to the Canadian Human Rights Act

34. In December 1992, the Government of Canada introduced in Parliament amendments to the Canadian Human Rights Act, including a duty of accommodation. This amendment would require federally regulated employers and service providers to accommodate the needs of individuals and groups protected by the Act (e.g. members of religious and racial minorities and persons with disabilities), except where this would cause the employer or service provider undue hardship.

Culture

35. The Canada Council is the federal agency responsible for fostering and promoting professional excellence in the arts. In 1990, the Council established an Advisory Committee for Racial Equality in the Arts, which published a report to which the Council responded in January 1992. The Council established an internship programme in arts administration for Canadians of Aboriginal, African, Asian and immigrant backgrounds. The programme allows six interns to spend two years working at the Council. The Council has hired an Equity Coordinator to manage the internship programme.

36. The Department of Communications promoted northern Native broadcasting through its support for Television Northern Canada (TVNC). TVNC is a television network in the far North that delivers Native cultural, social, political, and educational information in 12 languages to communities in the Yukon, the Northwest Territories, Northern Québec and Labrador. TVNC received its licence in 1991 and began broadcasting in January 1992. Programming is funded by Native communications societies supported by the northern Native Broadcast Access Program of the Department of the Secretary of State.

37. The CBC Northern Service broadcasts in English, French and seven Aboriginal languages. Six production centres generate about 220 hours of local programming per week, of which approximately 100 hours are in Aboriginal languages.

38. A Task Force on Museums and First Peoples was established with participation from the Museums Assistance Program of the Department of Communications, the Department of Secretary of State, the Canadian Museum Association and the Assembly of First Nations. The purpose of the Task Force is to consult with representatives of First Nations and museums to develop an

ethical framework and strategies by which Aboriginal people and cultural institutions can work together to represent Aboriginal history and culture. The Task Force prepared a report in 1992 which is still under study by the Assembly of First Nations and the departments involved.

Article 6

Amendments to the Canadian Human Rights Act

39. In December 1992, the Government of Canada introduced in Parliament amendments to the Canadian Human Rights Act which provide for the Canadian Human Rights Commission and Tribunals to make procedural rules, and for the Commission to obtain production of documents from persons against whom complaints have been filed. Changes to the remedies for discrimination are also proposed, including providing for Human Rights Tribunals to award interest and legal costs.

Review of events at Oka

40. The Government responded in several ways to the report of the Standing Committee on Aboriginal Affairs on the 1990 events at Oka. The leadership question was settled with the help of advisors from Elections Canada who supervised the election of a Grand Chief. In addition, the Government is purchasing blocks of land, as they become available, on behalf of the Mohawks. Once the property has been acquired, the land base for the Mohawks will increase by 60 per cent. Negotiations are continuing on questions of land, socio-economic development and self-government.

Article 7

Federal multiculturalism programmes

41. Canada's multiculturalism programmes provide a means of enabling every Canadian to participate in full and active citizenship. They help to build a society where all Canadians feel at home. They assist in building bridges of understanding and interaction, and help people to be aware of both their rights and responsibilities in society. Each of these programmes contributes in its own way to advancing the objectives of race relations.

42. The Community Support and Participation Program supports the social integration and full and equitable participation of ethnocultural and visible minorities in Canadian life. For example, this programme has funded a national conference on youth and racist crime to counter hate groups' activities among youth, and supports the advocacy efforts of immigrant and visible minority women's organizations on access and other equity issues. The Heritage Cultures and Languages Program works to bring artists from minority groups into the mainstream. It also supports scholarly research, the study of all aspects of ethnicity and the learning of heritage languages, and works with cultural institutions to effect an environment more receptive and reflective of Canada's racially diverse society. Examples are national panels on access to arts institutions for Black and other visible minority artists.

The Multiculturalism Secretariat encourages and assists federal institutions to implement the Multiculturalism Policy of Canada set out in the Canadian Multiculturalism Act, primarily through proactive initiatives for institutional change and reporting mechanisms of the Annual Report on the Operations of the Act.

The March 21 Anti-Racism Campaign

43. The Government recognizes that the public at large must be made aware of the nature, scope and impact of racial discrimination in our society. All Canadians must be aware of the issues before they can work together to solve them. Since submitting its last report, the Government of Canada has commemorated 21 March, the International Day for the Elimination of Racial Discrimination, in 1992 and 1993. This public education campaign, known as the March 21 Anti-Racism Campaign, has emerged as the most visible national education effort in the history of Canada to convince Canadians of the need to work together toward the goal of a racism-free society.

44. The campaign is built around an important partnership with federal departments and agencies, other levels of government, educators, business and labour organizations, the media, and individual Canadians from every walk of life. The past two campaigns have introduced many innovative aspects. An outdoor advertising campaign with billboards and transit shelter posters has been mounted in Vancouver, Edmonton, Regina, Winnipeg, Toronto, Ottawa, Montreal and Halifax. Televised public service announcements have been aired by over 95 television stations across the country. Anti-racism education materials, including teachers' guides, students' booklets, posters and buttons have been distributed to each of the 15,000 schools in Canada. Hundreds of Canadian towns and cities now actively participate in the Anti-Racism Campaign on an annual basis. Most provincial and territorial governments organize and sponsor activities throughout the campaign. Hundreds of thousands of Canadians have participated in the campaign. Each year, the campaign expands, reaching more and more Canadians.

Police-Minority Youth Summer Employment Project

45. The Police-Minority Youth Summer Employment Project is a joint initiative with Employment and Immigration Canada. The project enables visible minority and Native youth to work with police services in communities across Canada each summer. The project provides these students with an opportunity to experience police work and, perhaps, to develop an interest in careers in policing or law enforcement in general. It also increases cross-cultural understanding between the police and the communities they serve. The project has emerged as a unique method to recruit visible minority and Native youth as police cadets for police services across Canada.

The Strategy on Multiculturalism and the Economy/Business

46. The Government has developed a Strategy on Multiculturalism and the Economy/Business. It is aimed at increasing awareness of and appreciation for the economic opportunities presented by Canada's diversity, stimulating action in responding to economic challenges of diversity and increasing partnerships between stakeholders in Canada's economic prosperity.

International Year of the World's Indigenous People

47. Consistent with United Nations objectives for the International Year, Canada aims to raise awareness of the Year, to continue to stimulate efforts, in partnership with Aboriginal and non-Aboriginal Canadians, to respond to issues and situations affecting the Aboriginal People; and to create greater understanding of the role of Aboriginal history and culture in Canadian society. During the Year, a number of activities are planned and materials are being produced about Aboriginal People in Canada and their contribution and role in Canada.

IV. MEASURES ADOPTED BY PROVINCIAL AND TERRITORIAL GOVERNMENTS

48. Many measures at the federal level are paralleled in similar developments in the provinces and territories, developments which address regional perspectives. These include measures to strengthen human rights legislation, to expand them in education as well as to enforce the role of human rights commissions, and to introduce or broaden multiculturalism and race relations policies and programmes. These provincial and territorial measures respond primarily to articles 1, 2 and 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, but can also be relevant to other articles.

A. British Colombia

General

49. The main legal instrument for the elimination of racial discrimination in British Columbia is the Human Rights Act which came into effect on 14 September 1984. The Act, which was written after consultation with a variety of groups including an advisory committee drawn from the public at large, is administered by the British Colombia Council of Human Rights. The statute includes administrative procedures to facilitate review and resolution of complaints alleging discrimination through hearings held by a member of the Council. The Council deals with human rights complaints filed by persons under the Act.

Information relating to articles 2 to 7

50. Under the Human Rights Act, discrimination on the basis of race, colour, ancestry and place of origin is prohibited in accommodation, services or facilities customarily available to the public, purchase of property, tenancy, employment and conditions of employment, and in membership in trade unions and in employers' or occupational associations. These provisions apply both to the provincial government and other public agencies and to the private sector.

51. The British Columbia government has also taken the following measures:

(a) The Ministry Responsible for Multiculturalism and Human Rights has developed a Multicultural Policy which is currently being reviewed for possible enactment as legislation;

(b) The Ministry Responsible for Multiculturalism and Human Rights supported a Racism and Hate Crimes Conference held by the British Columbia Organization to Fight Racism;

(c) The British Columbia government has initiated an Employment Equity Program to be implemented throughout the public service. The purpose of this initiative is to remove systemic barriers to employment opportunities for women, members of visible minorities, Aboriginal people and persons with disabilities.

Article 2

52. The First People's Heritage, Language and Culture Act established the First People's Heritage, Language and Culture Council as a corporation. The purposes and powers of the corporation are described in section 6 of the Act as follows:

(a) To provide capital and operating monies for the creation, maintenance and administration of Native cultural centres and programmes throughout the Province;

(b) To receive, manage and distribute funds and property of every nature and kind from any source for the establishment, operation and maintenance of the corporation and to further the purpose of the corporation;

(c) To support and advise ministries of government on initiatives, programmes and services related to Native heritage, language and culture;

(d) To advise the government on the preservation and fostering of Native languages and other aspects of cultural development of Native people throughout the Province;

(e) To consider all matters brought to its attention by the government and, where requested by government, report its findings to the government.

Article 4

53. The new section 2 of the Human Rights Act provides:

"(1) No person shall publish, issue or display or cause to be published, issued or displayed any statement, publication, notice, sign, symbol, emblem or other representation that (a) indicates discrimination or an intention to discriminate against a person or a group or class of persons, or (b) is likely to expose a person or a group or class of persons to hatred or contempt, because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or that group or class of persons.

(2) Subsection (1) does not apply to a private communication or to a communication intended to be private."

54. Section 1 (1) of the Civil Rights Protection Act prohibits: "any conduct or communication by a person that has as its purpose interference with the civil rights of a person or class of persons by promoting: (a) hatred or contempt of a person or class of persons, or (b) the superiority or inferiority of a person or class of persons in comparison with another or others, on the basis of colour, race, religion, ethnic origin or place of origin."

55. Section 4 of the Civil Rights Protection Act provides:

"(1) A person who engages in a prohibited act commits an offense and is liable to a fine of not more than $2,000 or to imprisonment for not more than six months, or to both.

"(2) A corporation or society that commits an offense under subsection (1) is liable to a fine of not more than $10,000.

"(3) Where a corporation or society commits an offense under subsection (1), every director or officer of the corporation or society who authorized, permitted or acquiesced in the commission of the prohibited act commits an offense and is liable to the penalties under subsection (1)."

Article 5

56. In June 1992, the Ministry of the Attorney General ordered an inquiry into municipal policing which, as part of its mandate is to review the minority representation in the police forces and to investigate potential biases in the treatment of minorities by the police. The Royal Commission headed by Judge Wallace Oppal is scheduled to make a final report by 31 December 1993.

57. Part I of the Human Rights Act prohibits discriminatory publication and discrimination in public facilities, purchase of property, tenancy premises, employment advertisement, wages, employment and unions and membership in associations.

Article 6

58. The purpose of the Human Rights Act is to eradicate discrimination. The Human Rights Act is therefore remedial and not punitive in nature. The Council's procedures are designed to ensure that all complaints alleging discrimination are dealt with as expeditiously as possible following the principles of administrative fairness and natural justice.

59. The Ministry Responsible for Multiculturalism and Human Rights produces and distributes pamphlets and posters informing the public on what to do if they are victims of racism or racial discrimination.

60. Under the Human Rights Act, a total of 576 complaints were received by the British Columbia Council on Human Rights in the 1990-1991 fiscal year, of which 13.4 per cent were related to race or place of origin. In 1991-92, a total 878 complaints were received and 24.1 per cent were related to race.

61. In the five-year period from 1 January 1988 to 31 December 1992, there have been 23 formal hearings by the Council on racial discrimination complaints, of which 22 complaints were found to be justified. Basic compensation awarded to complainants for hurt feelings and humiliation ranged from $1,000 to $2,000. In addition to basic compensation, complainants were granted further settlements ranging from $630 to $25,240. Also, a bona fide occupational requirement was imposed upon one respondent employer and two complainants were awarded instruction in language proficiency.

Article 7

62. The Ministry Responsible for Multiculturalism and Human Rights supports and coordinates:

A community and race relations programme which supports community initiatives including anti-racism projects, institutional change and cross-cultural and anti-racism training;

A programme specifically addressing issues around racism and racial discrimination (public education, community response to hate groups and hate activity, monitoring incidents of racism);

A programme supporting projects around 21 March, the International Day for the Elimination of Racial Discrimination;

A Ministry Equity Task Force which is conducting training on diversity and equity, to involve all Ministry staff.

B. Alberta

63. The Government of Alberta has recognized for many years the value of a culturally diverse society. To strengthen this resource, the Alberta Multiculturalism Commission was formed in 1988. A new Alberta Multiculturalism Act in 1990 reaffirmed the government's commitment that all Albertans be given a chance to participate in, and contribute to, the cultural, social and economic life in Alberta.

64. The Managing Diversity Programme is one of several initiatives by the Alberta Multiculturalism Commission. Managing Diversity's mandate is to encourage leaders in the public and private sectors to take an active role in appreciating and promoting the benefits of cultural diversity – for the good of their organization and Alberta in general.

65. The Multiculturalism Action Plan, established in the spring of 1991, is currently under review. A new action plan is expected in the spring of 1994.

66. Discussions with the Department of Education have led to a joint effort with the Multiculturalism Advisory Council to review current teaching resources for instruction on cultural diversity.

C. Saskatchewan

67. Saskatchewan's submission to Canada's twelfth report under the Convention outlines programmes, policies and legislation in place as of July 1993.

The Saskatchewan Human Rights Commission

68. The Saskatchewan Human Rights Code, S.S. 1979, c. S-24.1, makes the Saskatchewan Human Rights Commission responsible for promoting and protecting the dignity and equal rights of everyone within provincial jurisdiction in schools, housing, public services, contracts, publications and on the job. The aims of the Human Rights Commission are pursued through public education, affirmative action programming and through the investigation and resolution of discrimination complaints.

1. Race discrimination complaints

69. In 1992, the Human Rights Commission received a total of 309 complaints of violations of the Code. Of these, almost 25 per cent were related to race. More than half of these complaints were filed by Aboriginal people; about 50 per cent related to employment. In general, almost 60 per cent of race discrimination complaints were related to the provision of services to the public; 58 per cent of these types of complaints were filed by persons of Aboriginal ancestry. Forty-four per cent of complaints against the government were related to race.

2. Employment equity

70. The Human Rights Commission approves and monitors affirmative action programmes in the Province. All Saskatchewan plans are voluntary. Currently, there are 17 employment plans and 6 in education and training institutes.

71. Aboriginal people and members of visible minorities are two of the four designated groups intended to benefit from affirmative action. Affirmative action plans are geared, in part, to break down discriminatory barriers, including racism and racial harassment, in the workplace. Many employers and educational institutions have initiated anti-racism and anti-harassment policies.

3. Education equity

72. Since 1985, the Commission has helped Saskatchewan school divisions and the Aboriginal community attempt to improve the school experience for Aboriginal students through education equity, a project pioneered by and unique to Saskatchewan. The goal is to develop supportive classrooms for Aboriginal students by recruiting Aboriginal teachers, involving parents, adding culturally meaningful studies to the curriculum and providing cross-cultural training for teachers and administrators.

73. Nineteen provincial school boards now have education equity programmes in place involving 75,000 students or 38 per cent of the total enrolment. Eighteen per cent of the children covered by education equity programmes are of Aboriginal ancestry.

74. School divisions continue to increase Aboriginal representation in teaching positions but are somewhat hampered by a shortage of qualified applicants and economic constraints. The Commission has suggested that school divisions concentrate on training and post-hiring support, and conduct exit interviews with employees leaving their positions.

75. Along with the Saskatchewan Teachers' Federation, the School Trustees Association and the Saskatchewan Department of Education, Training and Employment, the Commission helped to produce an anti-racism kit to teach teachers and administrators about racism. The package includes tips on how to counter racial incidents in the school system, guidelines for policy content and development and a supplementary leadership training course to help school divisions work out policies of their own. By the end of 1992, every school division in Saskatchewan had received the kit.

4. Public Education

76. The Commission's education efforts extend beyond the classroom to the general public. For example, in recognition of the United Nations' International Convention on the Elimination of All Forms of Racial Discrimination, the Commission, with financial support from the Canadian Human Rights Commission, developed Erasing Racism, an anti-racism brochure to stimulate public awareness.

5. Review of the Human Rights Code

77. In 1993, the Saskatchewan Human Rights Commission embarked on a review of The Saskatchewan Human Rights Code which has not been substantially altered since 1979. The Commission conducted a number of "round table" discussions with a variety of groups on specific human rights issues. In addition, the Commission conducted public hearings across the province where a variety of groups and individuals presented briefs and expressed their views. The Commission plans to produce a report to the Minister of Justice in later 1993 or early 1994.

Persons of Aboriginal ancestry

78. It is estimated that about 15 per cent of Saskatchewan's population of 1 million people are of Aboriginal ancestry. These people have a unique historical and constitutional status in Canada. In Saskatchewan, persons of Aboriginal ancestry represent the largest racial minority in the Province.

79. In March 1993, the Provincial Cabinet approved the vision and principles outlined in the document "Aboriginal policy and strategic framework". All government departments were directed to develop "action plans" based on the policy framework.

80. In summary, Saskatchewan's Aboriginal Policy Framework is intended to chart a new direction to ensure that Aboriginal people are full and equal participants in our society on their own terms, based upon their own culture, traditions and community values. The aim is to increase the participation of Aboriginal people in decisions that affect them. At the same time, there is a need to be sensitive to the balance between traditional and modern ways of life.

81. The Government of Saskatchewan is committed to the following principles:

(i) The Government is committed to fairness and inclusiveness. All members of the community should be secure in their access to the basic economic, health and social requirements.

(ii) The Government will work cooperatively with Aboriginal people to facilitate their goals and aspirations for social, economic and cultural development.

(iii) The Government recognizes and respects the unique cultures of Indian and Métis people in their communities within the social and economic fabric of the larger Saskatchewan community.

(iv) The Government will communicate openly with Aboriginal communities on important decisions affecting social and economic development. All the partners in joint actions will be accountable for the results achieved and the public resources used.

(v) The Government is committed to living within its means and will employ efficient approaches to achieve the effective delivery of programmes and services.

(vi) The Government of Saskatchewan will act to maximize the self-reliance and self-determination of Aboriginal people and balance that with its responsibilities for the whole community of Saskatchewan.

82. The principle of maximizing self-determination involves initiatives that may range from incorporating Aboriginal concerns or culture into programmes, to partnerships or cooperative management systems, to Aboriginal self-managed systems, to Aboriginal self-government; whatever is appropriate in a particular set of circumstances.

83. The elements of the provincial plan are as follows:

(i) Formalize the relationships with Aboriginal organizations. The Government of Saskatchewan will establish new formal protocols with the Federation of Saskatchewan Indian Nations and the Métis Society of Saskatchewan. Such accords outline principles and guidelines covering political and technical affairs and will promote long-range strategic planning and common approaches to priorities and problem-solving.

(ii) Promote Aboriginal community development and renewal. The Government of Saskatchewan will work with Indian and Métis communities in conjunction with the federal and local governments to address Aboriginal community self-reliance, programme management, self-sufficiency and Aboriginal investment and community renewal. In this regard, attention will be given to development of new Aboriginal community corporations or cooperatives. Aboriginal people in the north and urban centres require special attention.

(iii) Address the constraints which serve to limit progress. It is important to identify and address the legal and financial constraints which governments and Aboriginal people face.

Environment and natural resources

84. Because of the historical and legal importance of hunting and fishing rights to Saskatchewan's Aboriginal population, the Saskatchewan Department of Environment and Resource Management interacts frequently with the Aboriginal population. That department has taken various steps, in partnership with Aboriginal people, organizations and communities, to increase Aboriginal involvement in environment and resource management, to improve the department's awareness of Aboriginal concerns and to improve the department's ability to address them.

85. The involvement of Aboriginal people in managing renewable resources takes place mainly through the cooperative management process. This may include consultation, advisory relationships or direct participation by Aboriginal groups in decision-making. The department has been involved in a variety of co-management initiatives.

86. The department has created the Aboriginal Liaison programme, which has used department staff of Aboriginal ancestry to build bridges between the department and the Aboriginal community. They carry a three-way education role: informing Aboriginal people about the department's mandate, regulatory responsibilities, policies and programmes; educating department staff about Aboriginal culture, perspectives and issues; and facilitating communication and discussions between Aboriginal community and government to resolve issues and concerns.

Multiculturalism

87. As noted in our previous report, the Government of Saskatchewan has responded to the report of the Task Force on Multiculturalism, which was released in 1990. Many of the recommendations relating to areas of education, heritage languages, racism and discrimination and Aboriginal concerns have been implemented

88. A Minister's Advisory Committee on Multicultural Legislation was appointed in November 1992 to review the 1974 Multiculturalism Act and make recommendations for change. The Advisory Committee will present its recommendations to the Minister of Saskatchewan Municipal Government in fall 1993. The Advisory Committee encourages "the promotion of racial harmony and intercultural understanding and the deliberate countering of racism".

89. Each year, the Minister responsible for Multiculturalism designates one week in November as Multicultural Week. All citizens are encouraged to celebrate the province's rich cultural heritage and share in the cultural activities planned by the communities throughout Saskatchewan.

90. The Royal Saskatchewan Museum is adopting a pluralistic culture approach in its relationship with Aboriginal people. This involves requiring museum staff to consult with Aboriginal elders and traditional people. It also means incorporating Aboriginal traditional practices and knowledge in all issues and programmes that concern the interpretation of First Nations' cultures and histories. This includes the care of collections in a culturally appropriate manner.

91. The Royal Saskatchewan Museum recently opened the First Nations Gallery, which represents a diversity of Aboriginal cultural perspectives. The Museum is also beginning to follow traditional Aboriginal practices concerning care of objects in the ethnology and archaeology collections.

Social services

92. In the area of social services, a number of measures have been taken to reduce the harmful effects of social services programmes on Indian and Métis people. Bilateral agreements have been negotiated with First Nations people for delegation of authority under The Child and Family Services Act. These agreements will enable First Nations to design and deliver their own family service programmes in reserve communities. There have been discussions with First Nations people regarding further devolution of services.

93. The Department of Social Services has developed a programme, centred primarily on Indian and Métis children in the care of the Minister of Social Services, which is designed to facilitate reconnection to families and communities. This programme entails consultation among First Nations, Métis communities and government and is intended to address the issue of the disproportionately high number of Indian and Métis children in care. This programme will also have an effect on the problems faced by Indian and Métis children who have been adopted by non-Indian and Métis families and who, as adults, are trying to trace their cultural and racial roots.

Employment equity

94. The Government of Saskatchewan has, through the Public Service Commission (PSC), implemented an employment equity programme which covers all public service positions. The programme includes developing special measures and removing barriers to employment for groups currently under-represented in the workforce. The special measures include:

(a) Enhanced recruitment strategies: An inventory has been created of résumés of persons of Aboriginal ancestry and members of visible minority groups. Outreach initiatives have been undertaken with Aboriginal educational institutions and Aboriginal and multi-cultural community organizations;

(b) Appropriate job requirements: Employment equity is strengthened by the elimination of systemic barriers in job descriptions, the recognition of foreign credentials and the acceptance of transferable skills;

(c) Special training opportunities: Measures falling under this heading include the provision of managerial training, preference being given to designated group applicants for tuition and book reimbursement, secondments, temporary performance of higher duties and special assignments;

(d) Education and awareness activities: PSC makes available workshops on racial discrimination and race relations, cultural awareness training, and training in the management of cultural diversity in the workplace;

(e) Harassment workshops: These workshops provide information on legal implications, a review of complaint procedures and description of preventative measures.

95. The collective bargaining agreement with the Saskatchewan Government Employees' Union calls for a service-wide union-management committee to develop a proposal for an educational programme regarding the issue of racism. The committee will develop a programme to prevent and remedy discriminatory incidents at work based on race, ethnic background and sex.

Education

96. A Multicultural Education Unit was established in 1991 in the Department of Education, Training and Employment. It provides a coordinated focus to multicultural education, heritage languages and English as a second language (K-12).

97. In April 1991, Saskatchewan Education, Training and Employment assumed responsibilities for all heritage languages, including in-school and out-of-school programming. Provisions have been made to obtain high school credit for German, Japanese, Polish, Spanish and Ukrainian offered through out-of-school language instruction.

98. The Department of Education, Training and Employment has taken a variety of measures to improve education for Indian and Métis students. Particular attention is directed to teacher training and in-service, special incentive grants for Indian and Métis educational development, curriculum development, a survival school for Indian and Métis students, the Community Schools Program, official consultation with the Indian and Métis people of Saskatchewan, and the development of policy on Indian and Métis education.

99. The Indian and Métis Education Development Programme has funded a total of 18 projects since Saskatchewan's last report under this Convention. Project sites report increased student retention, new employment positions for people of Indian and Métis ancestry, increased cross-cultural awareness of school staffs and considerable individual, family and community impact.

100. The Indian and Métis Education Awareness In-Service Program, which was described in Canada's last report, has been revised. Under the programme, teachers in 56 school divisions have been trained and workshops have been held throughout the province. The Programme is designed to raise the awareness of practising teachers about Indian and Métis issues in education.

101. All of the curriculum development work undertaken by the Department of Education, Training and Employment reflects a recognition of Saskatchewan's varied ethnic make-up. Current developments in Social Studies K-12 and Health Lifestyles for Grades 7 to 9 take into account the need for children to learn more about the heritage of all members of the province. The cultures and histories of Saskatchewan Indian and Métis people are highlighted.

102. A Five-Year Action Plan for Native Curriculum Development was reported in the last submission. Developments since the last report include the publication of Métis Development and the Canadian West, Saskatchewan Indians and the Resistance of 1885 and a bibliography for all teachers listing suitable materials for language arts in Grades 1 to 6. A range of audio-visual materials that incorporate positive and accurate portrayals of Indian and Métis people have been introduced in the schools. Native Studies courses for Grades 10, 11 and 12 are being developed.

103. The four principles guiding the provision of educational programmes for Indian and Métis students are: (a) Indian and Métis people must have the opportunity to participate in the educational system at all levels; (b) the educational system must accommodate the differences in learning styles, language and world view of students; (c) cooperative and consultation among all levels of government is necessary for the coordination of efforts to meet the needs of Indian and Métis students and (d) efforts to improve the success of Indian and Métis students must begin at the school and community level.

104. An Indian languages curriculum guide for the elementary level is being developed. An ESL (English as a second language) handbook for adapting the English Arts Core Curriculum to meet Indian and Métis student needs is also being developed for use in schools.

Immigrant settlement

105. The Department of Municipal Government administers the Saskatchewan Immigrant Settlement Programme which provides financial assistance to immigrant settlement agencies who assist recent immigrants and refugees to the province to settle, adjust and participate in their communities.

Housing

106. In accordance with employment equity principles, staff of the Department of Municipal Government involved in providing housing programmes and services to Aboriginal people are predominantly of Aboriginal ancestry. Of the contract and permanent staff of the Housing Division, 23.5 per cent are of Aboriginal ancestry and over 84 per cent of the 2,200 housing units directed to Aboriginal families are managed by Aboriginal groups.

107. The Indian Ancestry and Urban Native Housing Programmes have received approval from the Saskatchewan Human Rights Commission to concentrate on needy Aboriginal households.

108. The Rural and Native Housing Programme provides home ownership and rental projects in rural areas for low-income Aboriginal households.

109. A Métis Housing Training Programme is being created to provide practical training experience.

Justice

110. On 5 June, 1991, two reviews of services to Aboriginal people were begun in Saskatchewan: the Saskatchewan Indian Justice Review Committee and the Saskatchewan Métis Justice Review Committee. The purpose of the review was to make recommendations concerning the delivery of criminal justice services to Saskatchewan Indian and Métis people and communities and, in particular, concerning the development and operation of practical community-based measures to improve such services. Issues of racism and race relations were raised in the review, which resulted in over 90 recommendations for changes in the justice process, including the need for cross-cultural and race relations training for Justice system personnel.

Health

111. In 1992, the Department of Health appointed a senior analyst responsible for Indian and Métis issues, most of whose activity has centred on encouraging the participation of Indian and Métis people in health reform.

112. In August 1992, the Government of Saskatchewan issued, A Saskatchewan Vision for Health: A Framework for Change, which outlines the general principles of health reform. This document recognizes the need to work with Aboriginal people to blend the strengths of holistic health traditions with aspects of the medical approach.

113. Saskatchewan Health has offered to enter into a memorandum of understanding with tribal councils which would outline the expectations of their participation in health reform.

114. The Wellness and Health Promotion Branch has developed a special Aboriginal Health Promotion Consultant position to bring cultural sensitivity to the work of the Branch. This position will be filled in the fall of 1993. In addition, the Branch funds the Women and Wellness Conference, which focuses on Aboriginal women, and has been held annually since 1991.

115. The Saskatchewan Alcohol and Drug Abuse Commission (SADAC) continues to provide funding for Indian and Métis people to operate programmes designed to meet their needs in the Province.

116. In 1991-1992, $1.6 million was provided by SADAC to the Métis Addiction Council of Saskatchewan (formerly the Saskatchewan Native Alcohol Council Corporation) to provide in-patient, out-patient and educational services to Indian and Métis people experiencing drug or alcohol problems. A detoxification facility operated by the Métis Addiction Council opened in January 1992 in Prince Albert.

Economic development

117. The Indian Economic Development Programme, delivered by the Department of Economic Development, provides funding to Indian bands, organizations and individuals for economic development projects primarily, but not exclusively, on reserves. The Métis Business Development Programme, delivered by the Department of Economic Development, provides funding to Métis organizations and individuals for economic development projects.

Harassment

118. The Occupational Health and Safety Act, 1993, defines harassment as "any objectionable conduct, comment or display by a person that: (i) is directed at a worker; (ii) is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; and (iii) constitutes a threat to the health or safety of the worker".

119. The legislation requires that every employer "ensure, in so far as is reasonably practicable, that the employer's workers are not exposed to harassment at the place of employment"; and requires that every worker "refrain from causing or participating in the harassment of another worker". Regulations are being drafted to address these new provisions.

D. Manitoba

General

120. In June 1987, the Government of Manitoba passed the new Human Rights Code, replacing the Human Rights Act. It was proclaimed on 10 December 1987. The Code prohibits discrimination on the basis of ancestry, race, colour, nationality and ethnic or national origin. It protects persons from harassment based on all group factors when participating in activities to which the Code applies (principally employment, housing and public services).

121. For the calendar year 1992, the following table shows the number of complaints, made to the Manitoba Human Rights Commission, of discrimination based on race, colour, nationality or ethnic or national origin and shows what percentage these types of complaints represent of the total number of complaints received by the Commission:

Basis of complaint	Number of complaints and percentage of total
Race and colour	31 (14%)
Nationality or ethnic or national origin	15 (7%)
TOTAL	46 (21%)

The majority of complaints, about 54 per cent, continue to be in the area of employment.

122. The Manitoba Department of Justice has adopted a "Workplace Harassment Policy". It covers racial harassment, as well as other forms of harassment, and outlines the investigative course of action to be taken as a result of complaints.

123. The Civil Service Commission has developed educational workshops on harassment and racial intolerance. These have been delivered to most supervisors and shift workers of the larger adult correctional institutions and have been incorporated into a training module for all new recruits.

124. The Adult Corrections Branch has incorporated statements condemning harassment and discrimination into a written code of conduct for staff. Aboriginal awareness training sessions are mandatory for all correctional employees within the institutional setting. The Branch is conducting a survey of the racial issues, concerns and attitudes that exist within correctional facilities. The survey will document specific findings and make recommendations to address the problems identified.

125. All adult correctional facilities are developing Aboriginal advisory committees to assist in recruitment strategies and for consultation on programmes and other Aboriginal service issues. They have also entered into contracts with Aboriginal elders to provide spiritual services to Aboriginal offenders.

126. On 21 March, 1992, and again on 21 March 1993, the Premier of Manitoba proclaimed the celebration in the province of the International Day for the Elimination of Racial Discrimination.

127. The Citizenship Division of the Department of Culture, Heritage and Citizenship and the Civil Service Commission have developed a two-day training module on racism and discrimination and on the respectful workplace. It was piloted with two Department groups in 1992 and 1993, and will be offered to other departments in 1993 and 1994. As a result of these modules, a Code for a Respectful Workplace has been developed for use within the Department.

128. The Bridging Cultures Programme of the Ministry of Culture, Heritage and Citizenship funds projects of non-profit organizations; projects to combat racism are one component of the grant programme.

129. The Citizenship Division's Credentials Recognition Programme helps professionally and technically trained immigrants to obtain recognition of the education and work experience which they have acquired outside Canada.

130. The Citizenship Division's anti-racism outreach officer has made presentations to several secondary schools and other groups regarding the anti-racism initiatives of the government.

131. The Civil Service Commission, in conjunction with the Manitoba Government Employees Union, the Department of Culture, Heritage and Citizenship and the Aboriginal Advisory Council, has struck a working committee to develop an anti-racism policy for the Manitoba Government.

132. The Civil Service Commission has established the Employment Services Branch, the primary objective of which is promoting employment equity across government. It has also set up an Aboriginal Advisory Council. The Council, made up of Aboriginal employees from across government, has been very active over the past two years. It has produced and distributed a report on an Aboriginal needs-assessment survey, developed and delivered a number of employment-related workshops to Aboriginal employees, made 35 presentations to departments, agencies and organizations on the issues facing Aboriginal people in the workplace and designed and delivered numerous Aboriginal awareness sessions to non-Aboriginal audiences. It has also produced a directory of Aboriginal employees within the Manitoba Government.

Article 4

133. The Province of Manitoba intervened before the Supreme Court of Canada in Zundel v. The Queen, ([1992] 2 S.C.R. 731) in an unsuccessful effort to support the use of section 181 of the Criminal Code as an additional means of combating hate propaganda. See paragraphs 6 and 7 for more details.

134. The Manitoba Department of Justice is involved in the City of Winnipeg Police Department's creation of a hate-crimes squad, the mandate of which will include all aspects of hate-related occurrences.

Article 5

135. The Aboriginal Justice Inquiry Report was tabled in August 1991. The Aboriginal Justice Inquiry was established by the Manitoba Government in response to allegations that the Aboriginal population faces prejudice, misunderstanding or both in its dealings with law enforcement agencies and the civil and criminal courts. The inquiry was funded by Government and had a broad mandate to investigate all aspects of the justice system as they relate to Aboriginal people. It conducted public hearings and received briefs.

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181. In addition to the Charter provisions, legal protection of human rights and freedoms is based on provisions of the Civil Code, which constitutes the jus commune of Québec. According to the new Civil Code of Québec, which came into force on 1 January 1994, it governs persons, relations between persons, and property "in harmony with the Charter of Human Rights and Freedoms".

182. The "Commission des droits de la personne" has been given the responsibility for promoting and upholding, by every appropriate measure, the principles of the Charter. The Act to Amend the Charter of Human Rights and Freedoms and Establishing the Tribunal des droits de la personne (S.Q. 1989, c. 51), which came into force on 10 December 1990, changed the mandate and investigative procedure of the "Commission des droits de la personne" in discrimination matters. The Commission is now required to act on behalf of the alleged victim and to seek any evidence needed to determine the validity of the complaint. If the complaint is valid and a negotiated settlement is impossible, the Commission may submit the matter to the Tribunal on behalf of the victim.

183. The new legislation established a permanent specialized tribunal in discrimination matters. An application may be submitted to the Human Rights Tribunal by the Commission as the result of an investigation, or by the victim himself or herself after the Commission has decided not to apply to the Tribunal. The victim may also submit an application at any time to an ordinary court of law.

184. Where immigration is concerned, Québec's policy prohibits any form of discrimination based on a candidate's race or geographic origin but instead considers his or her personal attributes (training, experience) and potential for adapting to a Québec society described as being multi-ethnic and francophone.

185. The Government's most important and most comprehensive recent initiative in this sphere has been the adoption of the Policy Statement on Immigration and Integration ("Énoncé de politique en matière d'immigration et d'intégration"), which was published in December 1990, and of the related plan of action. The statement defines the general orientations on which the Government's activities in relation to integration and to inter-cultural and inter-racial relations are based:

(i) The development of francization services and promotion of the use of French by immigrants and by Québeckers of all origins;

(ii) Increased support for the opening up of the receiving society and for the full participation, without discrimination, of immigrants and of all Québeckers in the economic, social, cultural and institutional life of Québec;

(iii) Interventions aimed at the development of harmonious intercommunity relations between Québeckers of all origins.

186. As for the plan of action, one of its goals is to adapt Québec institutions to the pluralist reality. A fund (the "Fonds d'initiative") has been set up to help the Government's departments and agencies effect measures related to the plan of action and launch innovative projects: $5.8 million will be allotted to projects for the adaptation of institutions over a four-year period. The most important of those measures will be to adapt services, programmes and policies and educate staff about the pluralist reality, to hire Québeckers from the cultural communities, to evaluate the accessibility of services and to adapt communications intended for clients from those communities.

187. The Government is also participating in a form of partnership involving associations from the cultural communities and from the receiving society, municipalities and the private sector. The new grant programmes of the Department of Cultural Communities and Immigration are focused on four main objectives: reception and establishment of immigrants, adaptation of institutions, intercommunity relations and support for integration into the labour market. An amount of over $7 million has been allotted for these purposes for the 1992-1993 fiscal year.

188. In terms of information on immigration to Québec, the following data update those supplied earlier, and in paragraph 91 of the tenth report in particular. In 1989, 1990, 1991 and 1992 respectively, Québec received 34,171, 40,842, 51,707 and 48,377 immigrants, who came from the following main geographic regions:

	1989	1990	1991	1992
	%	%	%	%
Africa	11	12	12	12
Asia	50	54	50	49
Latin America	7	9	15	14
West Indies	9	7	7	7
Europe	21	16	14	17

Article 2

189. A new police code of ethics applicable to every Québec police officer came into force in September 1990. In addition, the Department of Public Security has adopted a policy on intercultural and inter-racial relations. That policy is supported by plans of action through which the Department's various entities, including the police forces and correctional services, undertake to carry out, among other things, training, consciousness-raising, adaptation and communication activities.

190. The Department of Public Security set up a working group whose mandate includes the submission of recommendations to counter or prevent racial discrimination or racism in the Montreal Urban Community's police force. The working group submitted its report on 13 December 1992. After the presentation of the report, the Minister decided as follows: to accept the Montreal Urban Community's plan of action as a necessary first step in the

improvement of relations between the Community's police force and Black communities; to have the Department of Public Security participate in the annual review of the implementation of the Montreal Urban Community's plan of action; to have a report drawn up on any projects on the exercise of police discretion that have already been carried out; and to study any initiatives taken in relation to the continuing education of police officers on the subject of the police code of ethics.

191. In addition, the Department of Public Security has, for the correctional services, drawn up a plan to increase the awareness of its staff, established a network of identified resource persons to provide support for staff working with offenders from cultural communities, and held a large number of meetings, conferences and discussions in order to develop lasting and harmonious links with the communities and with their associations.

192. In March 1992, the Sûreté du Québec held a two-day meeting to consult with 18 leaders from 13 cultural communities for the purpose of helping it align its approach with the communities and their recruitment activities. It also offered nearly 20 summer jobs to students from cultural and Aboriginal communities in 1992 and 1993. In addition, it set up a joint working group of police forces and cultural communities in March 1993 in order to develop a structure of consultation enabling possible crisis situations to be managed. The Sûreté du Québec has also taken action to increase the number of its Aboriginal staff members.

193. Where health and social services are concerned, all of the measures are, in accordance with the Charter of Human Rights and Freedoms, aimed at ensuring that every person, no matter what his or her ethnic or racial origin or mother tongue may be, has equal access and can obtain services of quality.

194. The Act Respecting Health Services and Social Services (R.S.Q., c. S-4.2) contains specific provisions on the cultural communities; their purpose is to permit access to health services and social services in conditions of equality within the meaning of the Convention. They concern, among other things, the organization of resources and of institutions, the priorities and orientations of institutions, service organization plans and the accessibility of services.

195. In the same way, the Act contains provisions specific to English-speaking persons related in particular to the right to receive health services and social services in the English language.

196. Aboriginal communities are also covered by the Act Respecting Health Services and Social Services. In addition, special legislative measures have been adopted in respect of the Cree and Inuit.

197. The Department of Recreation, Fish and Game has developed a programme aimed at improving the socio-economic situation of Aboriginal people. Its purpose is to promote Aboriginal people access to employment in the context of calls for tenders for the establishment of exclusive rights for outfitting operations. The Department's consultations with the Commission des droits de la personne have contributed to having the programme respond in legal terms to the requirements of the Charter of Human Rights and Freedoms. The Department's programme came into effect in April 1991.

198. In the last full year covered by this report, namely 1992, the Commission des droits de la personne opened 125 new files, or 15.5 per cent of all the investigation files the Commission has opened, in response to complaints alleging discrimination on the basis of race, colour or ethnic or national origin. By sector of activities, those 125 files are distributed as follows:

Sector	Number of files opened
Employment	79
Accommodation	15
Access to goods and services	14
Access to public transportation and public places	11
Judicial rights	4
Other	2
TOTAL	125

199. It can be seen that employment is a key sector; most of the files opened in that sector concern allegations of discrimination in the victim's dismissal or conditions of employment.

200. Furthermore, a significant number of cases concern allegations of racial harassment or of harassment based on ethnic or national origin. In 1992, the Commission opened 28 such harassment files, or 17.2 per cent of all harassment files. Fifteen of them concerned the employment sector, while six concerned accommodation.

201. To promote the application of section 10.1 of the Charter of Human Rights and Freedoms, which prohibits any harassment based on race, colour, or ethnic or national origin, the Commission des droits de la personne launched a Policy on Racial Harassment in the Workplace ("Politique pour contrer le harcèlement racial en milieu de travail") in 1992. The Policy defines racial harassment as conduct in the form, for example, of repeated hurtful or contemptuous comments, acts or gestures based on race, colour, ethnic or national origin, religion or language. It regards racial harassment as an expression of racism and notes that both the harasser and the harasser's employer are legally responsible for such conduct. A model policy on racial harassment in the workplace is proposed for employers.

202. Still in 1992, the Commission brought 33 actions before the Human Rights Tribunal, or double the number of the previous year. Six of those actions alleged discrimination based on race, colour, or ethnic or national origin, including one involving racial harassment. Several of those actions are still pending. In addition, settlements were negotiated in a number of actions before trial.

181. In addition to the Charter provisions, legal protection of human rights and freedoms is based on provisions of the Civil Code, which constitutes the jus commune of Québec. According to the new Civil Code of Québec, which came into force on 1 January 1994, it governs persons, relations between persons, and property "in harmony with the Charter of Human Rights and Freedoms".

182. The "Commission des droits de la personne" has been given the responsibility for promoting and upholding, by every appropriate measure, the principles of the Charter. The Act to Amend the Charter of Human Rights and Freedoms and Establishing the Tribunal des droits de la personne (S.Q. 1989, c. 51), which came into force on 10 December 1990, changed the mandate and investigative procedure of the "Commission des droits de la personne" in discrimination matters. The Commission is now required to act on behalf of the alleged victim and to seek any evidence needed to determine the validity of the complaint. If the complaint is valid and a negotiated settlement is impossible, the Commission may submit the matter to the Tribunal on behalf of the victim.

183. The new legislation established a permanent specialized tribunal in discrimination matters. An application may be submitted to the Human Rights Tribunal by the Commission as the result of an investigation, or by the victim himself or herself after the Commission has decided not to apply to the Tribunal. The victim may also submit an application at any time to an ordinary court of law.

184. Where immigration is concerned, Québec's policy prohibits any form of discrimination based on a candidate's race or geographic origin but instead considers his or her personal attributes (training, experience) and potential for adapting to a Québec society described as being multi-ethnic and francophone.

185. The Government's most important and most comprehensive recent initiative in this sphere has been the adoption of the Policy Statement on Immigration and Integration ("Énoncé de politique en matière d'immigration et d'intégration"), which was published in December 1990, and of the related plan of action. The statement defines the general orientations on which the Government's activities in relation to integration and to inter-cultural and inter-racial relations are based:

(i) The development of francization services and promotion of the use of French by immigrants and by Québeckers of all origins;

(ii) Increased support for the opening up of the receiving society and for the full participation, without discrimination, of immigrants and of all Québeckers in the economic, social, cultural and institutional life of Québec;

(iii) Interventions aimed at the development of harmonious intercommunity relations between Québeckers of all origins.

186. As for the plan of action, one of its goals is to adapt Québec institutions to the pluralist reality. A fund (the "Fonds d'initiative") has been set up to help the Government's departments and agencies effect measures related to the plan of action and launch innovative projects: $5.8 million will be allotted to projects for the adaptation of institutions over a four-year period. The most important of those measures will be to adapt services, programmes and policies and educate staff about the pluralist reality, to hire Québeckers from the cultural communities, to evaluate the accessibility of services and to adapt communications intended for clients from those communities.

187. The Government is also participating in a form of partnership involving associations from the cultural communities and from the receiving society, municipalities and the private sector. The new grant programmes of the Department of Cultural Communities and Immigration are focused on four main objectives: reception and establishment of immigrants, adaptation of institutions, intercommunity relations and support for integration into the labour market. An amount of over $7 million has been allotted for these purposes for the 1992-1993 fiscal year.

188. In terms of information on immigration to Québec, the following data update those supplied earlier, and in paragraph 91 of the tenth report in particular. In 1989, 1990, 1991 and 1992 respectively, Québec received 34,171, 40,842, 51,707 and 48,377 immigrants, who came from the following main geographic regions:

	1989	1990	1991	1992
	%	%	%	%
Africa	11	12	12	12
Asia	50	54	50	49
Latin America	7	9	15	14
West Indies	9	7	7	7
Europe	21	16	14	17

Article 2

189. A new police code of ethics applicable to every Québec police officer came into force in September 1990. In addition, the Department of Public Security has adopted a policy on intercultural and inter-racial relations. That policy is supported by plans of action through which the Department's various entities, including the police forces and correctional services, undertake to carry out, among other things, training, consciousness-raising, adaptation and communication activities.

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Article 4

203. Section 11 of the Charter of Human Rights and Freedoms provides for protection from the publication, distribution or public exhibition of a symbol involving discrimination.

204. In 1990, the Commission des droits de la personne combined with non-Governmental organizations working to promote rights and freedoms and intercultural "rapprochement" to establish the "Comité d'intervention contre la violence raciste" (Committee to Combat Racist Violence). The mandate given the Committee was to analyse racial violence in Québec and to propose ways to combat it to the appropriate authorities.

205. The Committee published its report in June 1992. Entitled "Violence et racisme au Québec" (Violence and racism in Québec), the report evaluates a consultation involving a number of ethnic, community, school, police and Government institutions. It presents a sociopolitical analysis of the causes and symptoms of racist violence, which it considers to be a disturbing, although still marginal, phenomenon. The Committee expanded its examination of the subject by organizing a symposium on racist violence with 200 participants in March 1993. One of the symposium's goals was to propose, on the basis of the working hypotheses presented in the Committee's report, concrete ways to combat racist violence in four sectors: community action, judicial action, education and the responsibilities of political institutions. The report of the symposium, which is now being prepared, will be sent to the political, social and community authorities concerned.

206. In parallel with these major activities of analysis and reflection, the Commission is also taking tangible steps against racist movements.

Article 6

207. At the judicial level, on 8 April 1993, the Human Rights Tribunal allowed the action brought by the Commission des droits de la personne in the first racial harassment case to be decided by a Québec tribunal. On the basis of section 10.1 of the Québec Charter together with sections 16 (right to equality in conditions of employment) and 46 (right to conditions of employment which have proper regard for the worker's health safety and physical well-being), the Tribunal held that the complainant, who was represented by the Commission, had been the victim of racial harassment for which his employer was legally responsible. The complainant, a teacher, had been the target of several types of mockery and insults of a racial nature by his students. The Tribunal's judgment (which quotes the Convention and other international instruments at length) establishes the principle that the employer must provide the employee with a work environment free of harassment. This duty also applies when the harassment can be attributed to non-employees (students in the case in question). The Tribunal adds that the mere fact that the employer has adopted an anti-harassment policy is insufficient to release it from its responsibility if the policy has not been adequately publicized or if vigorous action has not been taken to stop the harassment. The Tribunal awarded the victim an amount of $10,000 as compensation for psychological injury.

Article 7

Education

208. Since 1991, the Department of Education has included acquisition of the following skill among the educational standards for teachers: "[translation] the ability to detect and combat the various forms of discrimination, including those based on sex, race, religion or a handicap."

209. The Department has also completed the measures already in place prior to 1991. An educational document has been added to those already existing in respect of education as to rights. Intended primarily for secondary teachers, it proposes a set of activities to enable students to learn about the various human rights concepts. Many of those activities deal with discrimination in all its forms and are of course intended to eliminate it. The document, which was completed in cooperation with Québec's Commission des droits de la personne, was distributed in all the school boards and secondary schools in early 1991. A similar document for elementary schools should be available in 1994.

210. In 1992, the Commission des droits de la personne reached over 2,500 persons in the 97 training sessions it gave on human rights and freedoms. Those sessions were intended, among others, for school boards, elementary and secondary schools and parents' committees, and the topics they covered included racism in schools.

211. The Commission is also responsible for educational activities outside the school environment, in, for example, the workplace and the legal field.

212. Lastly, the Commission launched a training programme on inter-ethnic and inter-racial relations for its staff in 1992, and continued to provide it in 1993.

213. It should also be noted that the Sûreté du Québec has developed a training course on intercultural and inter-racial relations that is available to all Québec police forces.

Culture

214. Three cultural community awards ("prix des Communautés culturelles") are granted each year to persons or organizations whose actions have made a noteworthy contribution to the "rapprochement" of one or more cultural communities with the francophone community. Two special awards for cultural "rapprochement" were also made in 1991.

215. Each year, the Commission des droits de la personne organizes the commemoration of Black history month in February, the purpose of which is to publicize the history of the Black community and how it has contributed to the building of our society. In 1992, the City of Montréal and the Department of Cultural Communities and Immigration also participated in the commemoration. The activities included, in particular, a panel of historians and legal experts on topics ranging from slavery in New France to the struggle for rights and the reality of Black women.

216. Lastly, the Government granted substantial financial and technical assistance to the Cree Nation Youth Council for the organization in July 1992 of the First World Indigenous Youth Conference. A number of that Conference's activities in fact concerned the improvement of inter-ethnic understanding.

Information

217. In accordance with its information mandate, the Commission des droits de la personne provides wide distribution of information on rights and freedoms. More than 10,000 copies of the Charter were distributed in 1992 together with pamphlets on racial discrimination and racial harassment. At the same time, the Commission continues to publish "Communication", a newsletter that reports on judgements and decisions related to discrimination, and its quarterly information bulletin "Forum Droits et Libertés".

218. In 1992, the Commission produced and launched a video on the difficulties faced by immigrants in finding a place to live. A teaching guide comes with the video for use in training sessions.

219. The "Nouveaux Visages" (New Faces) programme implemented in 1989 by the Department of Cultural Communities and Immigration permits Québeckers from the cultural communities to do practical work terms in the print media, television and radio.

220. The "Secrétariat aux Affaires autochtones" (Aboriginal Affairs Secretariat) publishes a magazine entitled "Rencontre", whose purpose is to promote a better understanding of Aboriginal people by non-Aboriginals and to bring the two communities closer together.

G. Prince Edward Island

221. The Government of Prince Edward Island reports that, in the period covered by the present report, no new developments occurred which would add to the information already contained in previous reports.

H. New Brunswick

Article 1

222. New Brunswick adopted, in 1986, a Policy on Multiculturalism which is to work for equal treatment for all citizens of all cultures. It represents a commitment to equality in matters of human rights, in matters of cultural expression and in access to and participation in New Brunswick society. Implementation of the Policy is guided by a Ministerial Advisory Committee on Multiculturalism, consisting of members representing all cultural communities as recommended by non-profit organizations having a stated interest in the multicultural nature of New Brunswick society.

223. Since 1987, New Brunswick has provided support to non-profit multicultural, multiracial organizations under its Multiculturalism Grants Programme. Funds are contributed for operational support and for special projects, many of which are educational programmes directed at cross-racial, cross-cultural understanding and the elimination of racial discrimination.

Activities have included the development of materials and workshops for teachers, police, health-care givers and community leaders, as well as public campaigns commemorating the International Day for the Elimination of Racial Discrimination. In 1989, the Government of New Brunswick, as an employer, added visible minority persons as a target group within the Equal Employment Opportunity Programme. This has resulted in increased opportunities for job experience both in the summer student and the ongoing components of the programme.

Department of Advanced Education and Labour
Human Rights Commission

224. The New Brunswick Human Rights Commission is responsible for the administration of the New Brunswick Human Rights Act. The principal importance of the Act lies in the encouragement it gives to a climate of tolerance and understanding which will save persons from being subjected to indignity or placed at a social disadvantage. Section 13 of the Act provides that special programmes which are designed to promote the welfare of a class of persons must be approved by the Human Rights Commission.

225. Affirmative action plans and employment equity plans are examples of special programmes provided for in section 13. Such special programmes are often designed to promote the welfare of women, Aboriginal people, persons with disabilities, or members of visible minority groups. Special programmes generally involve the identification and removal of systemic barriers in employment, housing or education that discriminate against designated groups. In addition, special programmes may involve the implementation of special measures which are designed to accommodate differences and to achieve and maintain a representative workforce.

226. The Human Rights Commission has authority according to section 13 of the Act to review programmes which are intended to promote the welfare of any class of person. If the Commission should choose to do so, it may vary or impose conditions on the programme or withdraw its approval of the programme if it sees fit.

Article 2

Department of Advanced Education and Labour
Human Rights Commission

227. The New Brunswick Human Rights Act prohibits discrimination on many grounds, including sex, race, colour, religion, national origin, place of origin or ancestry, sex, sexual orientation, physical or mental disability and age. The areas where discrimination is prohibited include all aspects of employment, leasing and sale of premises, accommodations, services or facilities available to the public, membership in labour unions and professional, business or trade associations and publicity.

228. During the fiscal year 1991-1992, the Human Rights Commission processed a total of 98 formal complaints, 6 of which were based on race, 1 on colour and 1 on ancestry. The main functions of the Commission are carried out through two approaches: the development and promotion of human rights education and

the processing of complaints regarding alleged violations of the Act. The compliance and the educational approach contribute equally in attempting to accomplish the Commission's mandate.

Department of Education

229. The Department of Education recognizes its special responsibility in multicultural and human rights education. In August 1989, a Ministerial statement entitled "Multicultural/human rights education" was released outlining the Department's commitment to ensuring an environment free of discrimination for all students and personnel within the educational system. The guiding principles of the statement are: (i) that every individual has a right to be educated in a school system that is free from bias, prejudice and intolerance; (ii) that any manifestation of discrimination on the basis of sex, race, ethnicity, culture or religion by any persons in the public school system is not acceptable; (iii) that school programmes and practices promote students' self-esteem and assist in developing a pride in one's own culture and heritage; (iv) that the school curriculum be free of bias and stereotyping and open to the study of the contributions and achievements of all people; (v) that multicultural community groups be actively involved in shaping policy and practices in the school; (vi) that employment and promotion practices will be based on merit and ability and be free from discriminatory barriers.

230. The Department of Education attempts to promote racial harmony by sensitizing students in the school system, as well as teaching staff, to various issues related to racial discrimination. The Department has marked special events such as Heritage Day, the International Day for the Elimination of Racial Discrimination and Citizenship Week as an opportunity to promote racial tolerance, as well as encourage a better understanding between various cultural and ethnic groups within society. Activities and initiatives in this regard take place on an annual basis at the Department as well as in the public school system.

Department of the Solicitor General

231. The New Brunswick Department of the Solicitor General is currently consulting with representatives of the Solicitor General of Canada and of First Nations Communities regarding implementation of the federal First Nations Policing Policy, which is intended to provide reserves with more culturally sensitive law enforcement. The Correctional Services Division of the Department of the Solicitor General currently employs two Native probation officers, one of whom is dedicated to serving the reserve population.

Intergovernmental Affairs

232. The Province of New Brunswick has recently reaffirmed the following policy commitments in the area of Aboriginal Affairs: to further the self-reliance and well-being of the Aboriginal people of New Brunswick, both on and off reserve, through pragmatic social and economic development initiatives; to respect the Aboriginal and treaty rights of the Mi'Kmaq and Maliseet people in a way that promotes harmony and collaboration between Aboriginal and non-Aboriginal people; and to participate in practical projects that support the continued development of self-governing arrangements for

First Nations communities. Each provincial department and agency is responsible for identifying and implementing concrete measures that advance the Government's policy direction for Aboriginal Affairs.

Article 4

Department of Advanced Education and Labour
Human Rights Commission

233. Section 6 (1) of the Human Rights Act states that:

> "No persons shall (a) publish, display, or cause to be published or displayed, or (b) permit to be published or displayed on lands or premises, in a newspaper, through a television or radio broadcasting station, or by means of any other medium that he owns or controls, any notice, sign, symbol, emblem or other representation indicating discrimination or an intention to discriminate against any person or class of persons for any purpose because of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, sexual orientation or sex."

Department of Education

234. In April of 1988, Mr. David Attis filed a complaint against School District No. 5 under section 5 of the Human Rights Act. The complaint alleged that Mr. Malcolm Ross, a schoolteacher in this district, was spreading anti-semitic hate propaganda in the classroom. A Board of Inquiry, which met from December 1990 to August 1991, ordered that the Department of Education make an annual review to assess implementation of the ministerial statement on "Multicultural/human rights education", that it periodically appraise race relations in schools and respond to any problems found, and that it review the Schools Act to decide whether to include a reference to professional conduct required of teachers. It also recommended some disciplinary measures to be taken against Mr. Ross. Mr. Ross appealed this decision to the Court of Queen's Bench, which has not yet rendered its decision.

235. In addition to various articles in the Human Rights Act which prevent the publication and distribution of discriminatory literature, the Department has conducted a review of curriculum materials to ensure that they are free of bias and stereotypes and depict the contributions and achievement of all people in a favourable fashion. Information sessions are held for curriculum development groups to instruct them in the use of guidelines to detect bias and stereotyping in learning materials.

Department of Justice

236. The New Brunswick Department of Justice has taken the lead in attempting to have the hate literature provision of the Criminal Code made more effective. A proposal to that effect is currently before the Committee of Deputy Ministers of Justice. The Law Reform Branch has been exploring provisions on group defamation as a possible vehicle for use as an effective civil remedy.

Article 5

Department of Education

237. The Department of Education supports the principle of equal employment opportunity for all persons. Through participation in the Equal Employment Opportunity Program and the Employment Equity Program, special measures are adopted to ensure that the workplace is free of barriers to the advancement and representation of people with disabilities, Aboriginal people and members of visible minorities. Employment Equity initiatives not only address various issues related to the occupational status of women, but encourage a review of employment systems and practices to ensure that they are free of discrimination for all people. The Minister of Education has recently announced the extension of Employment Equity to Part II of the Public Service.

Department of the Solicitor General

238. The Correctional Services Branch of the Department of the Solicitor General has endeavoured to ensure the equal access of Aboriginal inmates to culturally sensitive spiritual services through programmes of visits by elders and participation in sweet grass ceremonies. This branch has been involved in unofficial discussions with Aboriginal leaders on the development of institutional policy and procedures.

Article 6

Department of Advanced Education and Labour
Human Rights Commission

239. All formal complaints of discrimination under the New Brunswick Human Rights Act must be written on a form prescribed by the Act. The complaint is then assigned to a human rights officer who conducts a full and complete investigation. If the Commission deems that complaint to have merit, the officer must then identify certain requirements that would provide a satisfactory solution to the complaint and attempt to effect the settlement through conciliation.

240. If the complaint cannot be settled, the Commission may recommend that the Minister of Advanced Education and Labour, who is the Minister Responsible for the Human Rights Commission, appoint a Board of Inquiry as provided for under Section 20 (1) of the Act. The Board is an impartial party composed of one or more individuals whose mandate is to conduct an inquiry into the complaint. The Board, through the process of a hearing, gives all parties a full opportunity to present their cases in person or through legal counsel.

241. Based on the evidence presented to it, the Board of Inquiry can decide whether, on the balance of probabilities, a violation of the Act has or has not occurred. If the Board finds a violation has not occurred, it dismisses that complaint. If the Board finds a violation has occurred, it may order the party found to have violated the Act to, among other things: refrain from actions that violate the Act; rectify any harm caused by the violation;

reinstate or restore any party who has been removed from a position because of the violation; and compensate any party adversely affected for both financial loss and emotional suffering, in such an amount as the Board considers just and appropriate, as provided for under Section 20 (6.2).

Department of Education

242. All personnel and students in the education system benefit from the same protection against discrimination which is afforded all residents of the Province through the administration of the New Brunswick Human Rights Act.

Article 7

Teaching and education

243. In 1991, New Brunswick initiated annual government-wide activities in commemoration of the International Day for the Elimination of Racial Discrimination. All departments and facilities participate in the campaign with appropriate educational activities. Centralized cooperative exhibitions and activities call attention to the reality of cultural and racial diversity in the civil service and the province and the need for cross-cultural understanding. An annual Heritage Week provides an opportunity to celebrate the contributions of all cultural groups. An interdepartmental committee coordinates programmes across the public and private sectors and across government jurisdictions.

Department of Advanced Education and Labour
Human Rights Commission

244. During the period under review, the New Brunswick Human Rights Commission produced a variety of educational materials on the subject of racism. These included "Say no to racism!", an information pamphlet regarding racial discrimination and what you can do to combat it; articles on racial discrimination and employment, provided by Commission staff members, which appeared in New Brunswick newspapers; "Human rights: audio-visual resource guide", containing information on audio-visual resources on human rights in New Brunswick, with particular emphasis on issues related to racism; Keys/Les Clés, a one-half hour video drama and accompanying resource guide which examines youth employment and accommodations, but which also discusses human rights issues such as prejudice, stereotyping, racism and discrimination in addition to provincial, national and international human rights protection. Keys was developed with the assistance of the Public Legal Education and Information Service of New Brunswick. A mobile display to mark the International Day for the Elimination of Racial Discrimination was also created.

245. Two additional projects are currently under way: a resource guide for teachers in the area of racism, prejudice, stereotyping and discrimination and a video series on prejudice, racism and discrimination. The latter project is funded by the Equal Employment Opportunity programme of the Department of Finance.

246. The following are some of the activities in which Commission representatives took part during the International Day for the Elimination of Racial Discrimination: a screening of A Darker Side, a film, produced by the New Brunswick Film-Makers' Cooperative, on apartheid in South Africa and its connection to ordinary persons in Canada; the release of new public information materials entitled "Say no to racism!"; the release of a new public mobile display featuring definitions of racism, prejudice, discrimination and stereotyping; the sending of letters to every school in the province encouraging them to organize activities to mark the International Day; the obtaining of permission to use a video made by the Canadian Association of Independent Broadcasters, and entitled "Racial harmony", in non-broadcast settings; public information displays featuring new materials in Fredericton, Saint John and Moncton; and International Day activities organized by the Multicultural Office.

247. Commission staff members are frequently called upon to deliver workshops and seminars on the subject of racism in junior and high schools, universities, community colleges, non-governmental organizations, municipal and government departments, and a variety of community and professional organizations. In addition, Commission staff members regularly participate in staff training on specific subjects to improve their knowledge of issues related to racism. These have included a one-day seminar called "Fostering racial harmony in the workplace", co-sponsored with the City of Saint John, and a one-day seminar called "Strength in cultural diversity".

Department of Education

248. The Department of Education's principal role in the elimination of racial discrimination and the promotion of human rights and multicultural awareness has been in the field of education and teaching. Districts have been directed to develop a policy consistent with the thrust of the Ministerial Statement on Multiculturalism and Human Rights Education, and to feature a progress report as part of the annual report of the district. A document entitled "Human rights in the curriculum", prepared in 1988, is currently being updated. A document entitled "Checklists for detecting bias and stereotyping in instructional materials" was prepared in 1990.

249. An Indian Education Policy has been prepared by the Department of Education. A number of measures have been taken in this area: (i) an Indian Education Consultant has been hired; (ii) Native Studies 120 is being piloted in a number of schools ("Maliseet and Micmac: First Natives of the Maritimes" is being piloted for this course); (iii) a curriculum guide is in preparation; (iv) Aboriginal language programmes and materials are being developed; (v) in-house courses are being held for teachers in various districts for the Indian Education Orientation Program; (vi) a publication entitled "A Circle of Understanding" offers guidelines for provincial schools enrolling Aboriginal students; (vii) workshops are being conducted on the heritage and culture of First Nations; (viii) a Provincial Indian Education Curriculum Development Committee has been put in place to review the direction and support for the study of Aboriginal people in the curriculum; (ix) in response to the report on Excellence in Education, two initiatives are going forward, one to increase the number of Aboriginal teachers and the other to support Aboriginal learners.

250. The Department of Education is a partner in The Global Education Project, a major five-year initiative in support of a stronger concentration on global issues across the curriculum. Cooperative initiatives have been undertaken with the Atlantic Human Rights Centre, including the 1990 publication The Legacy of Human Rights, which was distributed to all schools in the province. The Department of Education supports various special events throughout the year in conjunction with other government agencies. These include distributions and activities related to Heritage Day, the 21 March celebrations and Citizenship Week.

251. The Holocaust Topic of Study has been developed for the History 112 and 113 curriculum; a number of library resources were sent to all schools to support this study. In various subject areas, new resources have been identified that support the study of the contribution and achievements of all peoples. One major goal is the collection of titles of publications that deal with human rights issues and various multicultural topics. Titles are also being gathered for recommendation to libraries. Audio-visual resources are being purchased that support our overall goals in the areas of multiculturalism and human rights.

252. The Department of Education is currently working on a Maritime Provinces' Education Foundation project, which deals with the area of human rights but also includes a multicultural element. The project encompasses an annotated bibliography on human rights materials, a teacher resource manual on human rights, and the production of a video and teacher guide on exemplary practices in human rights education.

253. In addition to various measures taken in the public school system, the importance of racial harmony has been underlined at the departmental level. In order to demonstrate leadership in this important matter, the Department is represented on both the Ministerial Advisory Committee on Multiculturalism and the Interdepartmental Committee on Multiculturalism.

254. Recently, the Human Resources Branch prepared the first in a series of articles giving profiles of staff members from different ethnic and cultural backgrounds. The articles have appeared in government publications such as "Education New Brunswick" and "Perspectives". Social activities have been organized to mark the International Day for the Elimination of Racial Discrimination. Department staff have attended, and will continue to involve themselves in, conferences and seminars addressing multiculturalism, human rights, equity and diversity in the workplace.

Department of Justice

255. The New Brunswick Department of Justice, along with other provincial and federal departments, provided funding for the Public Legal Education and Information Services of New Brunswick to carry out its legal information programme. The programme includes: "The Keys" video production in cooperation with the New Brunswick Human Rights Commission; a Woman Abuse Conference, held on 27 and 28 November 1992, which featured workshops on immigrant women who find themselves in situations of abuse; preparation of a

pamphlet on immigrant women and abuse (part of a series of pamphlets on the abuse of women, another one of which will be one on Aboriginal women and abuse); and research on the subject of immigrant women and abuse in New Brunswick, as part of a national Public Legal Education and Information project.

Department of the Solicitor General

256. In the area of education, the New Brunswick Department of the Solicitor General has incorporated the Government's policy on multiculturalism into an employee's handbook as well as in training programmes offered and distributed to Executive Directors. The Department of the Solicitor General is represented on the Interdepartmental Committee on Multiculturalism. In addition, a number of videos are available for all employees for the promotion of positive race relations and cross-cultural understanding. The Department of the Solicitor General uses the Equal Employment Opportunity Program in recruiting visible minorities.

Department of Advanced Education and Labour
Human Rights Commission

257. Commission staff members took part in activities to mark the 200th anniversary of the Departure of Black loyalists for Sierra Leone. They also participated in various activities organized throughout the year by New Brunswick Aboriginal People, such as a two-day "Native Awareness Days" conference at St. Thomas University; "Coming Around", the opening production of Theatre New Brunswick's Young Company, a three-day "Pow-Wow" organized by the Big Cove Indian Nation and a one-day Event and Feast to mark the 500th anniversary of the arrival of Columbus in Turtle Island.

Department of the Solicitor General

258. Native probation and parole officers were hired to ensure the delivery of correctional services and programmes to the Native clientele and communities of Burnt Church, Eel Ground, Red Bank, Big Cove and Tobique reserves.

259. In addition to distributing information to staff on the International Day for the Elimination of Racial Discrimination, the Department of the Solicitor General provided information on the International Day to the 25 municipal police forces in the province. During the period under review, efforts were made to increase the number of visible minority recruits to the Atlantic Police Academy.

260. The New Brunswick Human Rights Commission provides information and referral services to New Brunswickers on a wide variety of issues including racism, prejudice and discrimination. The Commission also provides written materials, videos and pamphlets and acts as a liaison between community organizations and individuals seeking information on specific subjects.

Intergovernmental affairs

261. Through the province's participation in the Agence de coopération culturelle et technique (ACCT) and the Association internationale des parlementaires de langue française (AIPLF), New Brunswickers contribute their expertise on an international basis to initiatives in the area of human rights and the elimination of racial discrimination. For example, since April 1992, a Moncton lawyer has been director of the new Human Rights and Democracy Support Service of ACCT. He is the past director of the International Centre for Common Law in French, in Moncton, and the first New Brunswicker to occupy a position within ACCT. A Member of the Legislative Assembly of New Brunswick has contributed his expertise to international efforts to promote democracy through ACCT and AIPLF by heading the mission which monitored the first organized parliamentary elections in the Republic of Djibouti in December 1992. This same parliamentarian and a Moncton law professor also contributed their expertise during an international seminar entitled "Observing Elections", which was hosted by the École internationale de Bordeaux, in France, in April 1993.

I. Nova Scotia

General

262. The main period covered in this report is from 1 January 1992 to 31 May 1993. The report will also include some important measures taken during the periods covered by Canada's 10th and 11th reports on the Convention and not covered in previous reports.

Article 2

263. The Nova Scotia Human Rights Act was amended in October 1991. The Act now provides protection against discrimination on the basis of the following grounds: race or colour, creed or religion, national, ethnic or Aboriginal origin, sex (including pregnancy), age, marital or family status, physical or mental disability, sexual orientation, political activity, affiliation or association, source of income, fear of contracting an illness or disease or association with members of groups protected under the Act. Although persons of Aboriginal origin could lodge a complaint before the adoption of the Act, they would have had to do so on the basis of ethnic origin. Aboriginal origin is now specifically listed as one of the prohibited grounds of discrimination. The Nova Scotia Human Rights Commission's policy is such that complaints of racial harassment are considered to be complaints of discrimination.

264. The Nova Scotia Human Rights Commission continues to investigate complaints of racial discrimination. In the past five years, allegations of racial discrimination accounted for approximately 30 per cent of the complaints of discrimination in the area of employment and approximately 50 per cent of the complaints in the area of services.

265. A Race Relations Division was established within the Nova Scotia Human Rights Commission in 1991. Its mandate is to develop and recommend, both in the public and private sectors, programmes and policies to promote cross-cultural understanding and to eliminate barriers to the full participation of members of racial minorities in society.

266. The provincial government appointed a Steering Committee on Employment Equity and Race Relations in 1991 made up of Deputy Ministers and Heads to formulate policies and monitor progress on employment and race relations issues. The Steering Committee will produce, through a working group, a draft race relations policy statement for the province.

267. The Race Relations and Employment Task Force set up under the Steering Committee by the Government was given the mandate to plan and deliver race relations and employment equity training to departmental facilitators who in turn will provide service-wide training sessions to all government employees. The Task Force has also developed an employment equity training manual which will be piloted in 1993 and is setting up a race relations and employment equity resource centre which will include books, videos, newspaper articles, etc.

268. The province continues to recognize 21 March as the International Day for the Elimination of All Forms of Racial Discrimination. The Human Rights Commissions theme for the day in 1992 was "Ring out racism, ring in harmony" and the event was celebrated at Province House. The churches in the area were invited to include discussion on racism in their sermons and ring their church bells in unison.

269. Sections 6, 9 and 25 of the Human Rights Act allows for employers and service providers to enter into special programmes and activities which have as a purpose the amelioration of conditions of disadvantaged individuals or classes of individuals. Such programmes are deemed not to be a violation of the Human Rights Act.

270. The Affirmative Action Division of the Nova Scotia Human Rights Commission continues to work with employers and educational institutions with a view to entering into affirmative action agreements with them. At present there continues to be increasing numbers of private and public sector employers and educational institutions who have registered affirmative action agreements.

271. Nova Scotia employers presently contracting their services to a federally regulated employer and Federal Crown Corporations must follow the employment equity guidelines established under the federal Employment Equity Act. This has had the effect of having such contractors and employers follow employment equity principles for their entire operation.

272. Section 10 (1) of the Nova Scotia Human Rights Act specifically provides that where, in a regulation made pursuant to an enactment, there is a reference to race or origin that appears to restrict the rights or privileges of an individual or a class of individuals, the reference and all parts of the regulation dependent on the reference are void and of no legal effect.

273. The Multiculturalism Act was passed in 1989. Its purpose includes the establishment of a climate for harmonious relations among people of diverse cultural and ethnic backgrounds.

Article 4

274. Although the legislation respecting hate groups and hate propaganda is under federal jurisdiction, the provincial Human Rights Act provides for protection under section 7 with respect to publications, displays or broadcasts which indicate discrimination or an intention to discriminate against individuals or classes of individuals. A board of inquiry has been appointed to decide on the matter of a sweatshirt which is alleged to be racially offensive.

Article 5

275. The Provincial Electoral Boundaries Commission was created to review the boundaries set up for provincial elections. One of its criteria was to ensure that the boundaries were set up in a manner which would encourage and give an opportunity to Black persons and racial minorities to run for election. A new riding was created as a result of the review and in May 1993, a Black candidate was elected to the legislature and subsequently appointed to cabinet by the Premier. The cabinet also includes a member of Lebanese origin.

Article 6

276. Protection against discrimination and compensation to victims is covered in preceding sections.

Article 7

277. In 1992, the Nova Scotia Human Rights Commission released a policy statement on racial slurs and harassment and racial jokes which sets out the Commission's interpretation of the Human Rights Act as it applies to this form of discrimination.

278. The Select Committee on Education established by the Government to consult Nova Scotians on a wide range of educational issues submitted its report to the Government in March 1992. The Government accepted the recommendations of the Committee and as a result an Office of Race Relations and Cross-Cultural Understanding was created in the Department of Education. This office is working with school boards, multicultural groups and other partners in education to develop anti-racist principles and a provincial race relations policy. In addition, the office is working with school boards to develop race relations policies at the board level.

279. A discussion paper and work-plan on race relations is being developed. The anti-racist principles will reinforce the individual's right to an education free from bias, prejudice and intolerance. The race relations policy will include school programmes and practices promoting self-esteem and pride in particular cultures and heritages.

280. The Select Committee also discerned a lack of Aboriginal role models and a high drop-out rate among Aboriginal students in Nova Scotia. A Mi'kmaq education consultant has been hired to work with the multicultural coordinator and race relations consultant. The education consultant will work with the Mi'kmaq community to create a course on their history and culture. A pilot course, open to all students, will be available in schools in districts where sufficient numbers of Mi'kmaq children live.

281. The Government of Nova Scotia has appointed a Director of Public Prosecutions to ensure that all Nova Scotians, regardless of influence, race, sex or political affiliation, are dealt with fairly. It has also established a Court Structure Task Force to make the court system more accessible, understandable and efficient.

282. An Advisory Group on Race Relations formed in July 1991 was given a 30-day mandate to recommend a plan of action to accelerate the elimination of racism and racial discrimination in Nova Scotia. The group, composed of 1 representative each of the City of Halifax municipal government, the provincial government and the federal Government, as well as 8 members of the Black community, completed its mandate and submitted a report containing 94 recommendations. The three levels of government and the community use the report as a blueprint and continue to present updates on the recommendations.

283. The Department of Justice, Police Services Division designed an introductory Multicultural Training Course for criminal justice workers in the province of Nova Scotia. The intent of the course is to assist police and correctional personnel in Nova Scotia to develop a basic understanding of other cultures and values and to assist them in the normal discharge of their duties in a multicultural environment.

284. Dalhousie University and Dalhousie Law School continue to operate programmes to encourage the enrolment of Black and Aboriginal students. The Transitional Year Program has been operating since 1972 and the Indigenous Black and Mi'kmaq Program at the Law School has been operating since 1987.

285. The Tawaak Housing Association was formed to provide assistance to Aboriginal persons who have moved off the reserve, to get established elsewhere. The Association receives its funding from the Canada Mortgage and Housing Corporation. It at present operates approximately 140 housing units throughout the province.

286. Previous reports have referred to the establishment by the province of Nova Scotia, in October 1986, of a Royal Commission to inquire into the circumstances which led to the wrongful murder conviction of Donald Marshall Jr., a Mi'kmaq Indian. The federal and provincial governments continue to address the Royal Commission's 82 recommendations.

287. The Tripartite Forum consists of representatives of the federal and provincial governments and the Nova Scotia Aboriginal community. It was established in order to further the implementation of the recommendations of the Marshall Royal Commission concerning Aboriginal justice issues. The Forum was instrumental in establishing an Adult Diversion Program on the Indian Brook Reserve. This programme allows band members who have committed minor

offences to be heard by a Native Justice Panel made up of respected community members. The procedures and outcomes of these hearings reflect Aboriginal cultural standards. Negotiations are currently under way to establish an Aboriginal police force which would have jurisdiction on reserves on Cape Breton Island.

288. The Nova Scotia Human Rights Commission has produced a video on the work of the Commission which gives examples of what constitutes discrimination. This video is available, in French and English, to students and adults. The Nova Scotia Human Rights Commission continues to help with the organization and delivery of conferences on human rights in the school system and in the private sector.

J. Newfoundland and Labrador

General

289. The Human Rights Code, administered by the Human Rights Commission and the Department of Employment and Labour Relations, prohibits discrimination and harassment, in employment and in the provision of services and accommodation, on the grounds of, inter alia, race, religion, religious creed, colour, national origin, ethnic origin and social origin. The Human Rights Code is primacy legislation which supersedes any other provincial legislation which might contravene the content or intent of the Code.

Article 2

290. In recognition of the significance of the day, the Minister of Employment and Labour Relations issued a press release reminding the citizens of the province that 21 March was the International Day for the Elimination of Racial Discrimination, and encouraged everyone to do his or her part in eliminating racial discrimination not only on that day but on every day throughout the year.

291. During the 1992-1993 fiscal year, the Department of Social Services expended $2.2 million, on an equal basis with the (federal) Department of Employment and Immigration, toward the costs of accommodating persons claiming refugee status upon arrival in this province.

292. Many non-governmental organizations which have as their primary goal the promotion of cross-cultural understanding have received financial or technical support or both from federal and provincial levels of government. A brief review of activities of selected NGOs is given below, under article 7.

Article 5

293. The Human Rights Code prohibits discrimination and harassment on specified grounds in employment, in the provision of services and in accommodation. A panel of adjudicators has been appointed to hold public hearings, when necessary, into alleged contraventions of the Human Rights Code. In 1992, the Human Rights Commission referred two complaints alleging discrimination on the basis of race to boards of inquiry. The complaints alleged that an Inuit association excluded two people, who were previously

members, on the basis of race. Hearings into these complaints had not begun at the end of the period covered. Moreover, investigations continued on two complaints, received in 1991, of discrimination in employment on the basis of race. A further three such complaints were received in 1992. Of the latter five complaints, two were withdrawn or dismissed and the others are still under investigation. No complaints were filed alleging harassment on the basis of race.

294. The Labour Standards Act provides uniform minimum standards of conditions of employment for those employed in this province and whose employment falls under provincial jurisdiction. When necessary, Labour Standards Adjudicators hold public hearings into alleged contraventions of the Act. Any allegation of discrimination is referred to the Human Rights Commission. The Labour Relations Act gives employees the right to form and join a union.

295. The Newfoundland Act Respecting the Franchise of Electors and the Election of Members to the House of Assembly prescribes the conditions under which residents of the province may vote in provincial elections and stand for election to the House of Assembly. Participation is open to Canadian citizens or British subjects, 18 years of age or older, who have resided in this province for six months prior to the election and who reside in the electoral district on election day.

Article 7

Education and teaching

296. In 1992 the Department of Education formally adopted a multicultural education policy for introduction into the school system in Newfoundland and Labrador. The Department "believes that the spirit of multiculturalism should permeate the whole educational system - education policies, curriculum, teaching methods, resource materials, and evaluation procedures. It should also be reflected in attitudes and expectations of educators and students and in interactions with students, parents and the community." The policy enunciates the following principles for the educational system: (1) to help all students and educators achieve their physical, intellectual, emotional, cultural, social and moral potential; (2) to guarantee the right of all people to be proud of their cultural background; (3) to promote respect for all cultural groups; (4) to ensure that the curriculum and instruction reflect the multicultural nature of Canada and highlight the contributions made by Canadians from different cultural backgrounds; (5) to take initiatives to meet the changing needs of individuals in society.

297. The senior high school curriculum has for several years offered, as part of its programme, social studies courses which deal with discrimination, including racial discrimination. One course at the senior high school level has a compulsory unit on human rights and the elimination of racial discrimination. It is taken by over 2,000 students. Other history, geography and law courses at the senior, elementary and primary levels provide limited coverage of issues of human rights and racial discrimination.

298. To further cross-cultural understanding and integration, one school board produced a series of eight books which were written and illustrated by students, now living in Newfoundland, who come from Cuba, Ghana, Hong Kong, Iceland, India, Kenya, Norway, Romania, Sri Lanka, Taiwan and Uganda. The series, entitled All My Friends, will be distributed to all primary-school libraries and grade two classes in this province.

299. After four years of work, the Newfoundland and Labrador Human Rights Association has published The Way We Are: A Cross-Cultural Education Reader. A compilation of articles, the publication constitutes a source-book for students on multiculturalism as viewed from a uniquely Newfoundland perspective. Funded by the Canadian Department of Multiculturalism and Citizenship, the reader will be distributed free of charge to every high-school resource centre in this province.

Culture

300. The Cultural Affairs Division of the Department of Tourism and Culture has provided technical resources and accommodations to groups which sponsor events that have a multicultural base. Such groups, which rely primarily on Multiculturalism and Citizenship Canada for financial support, endeavour to create a local awareness of the rich history and culture which they bring to this province.

301. Several groups, including the Ethno-Cultural Association, the Association for New Canadians, the St. John's Native Friendship Centre, and the Human Rights Association sponsored activities to promote the 21 March anti-racism campaign. These groups, plus the three levels of government, the Royal Newfoundland Constabulary, the Royal Canadian Mounted Police and the Avalon Consolidated School Board undertook a variety of activities to further awareness of the day, including proclamations and press releases, radio and television appearances, film showings, booths in shopping malls, book launches and information and entertainment in schools.

Information

302. Beyond the general news stories that are available through the national and international wire services, the local media generally take a reactive stance to the publicizing of human rights and disseminating information on the purposes and principles of various human rights instruments. When proclamations and press releases are issued, or when a group publicizes an activity, event or function, the media generally report on it. The media provide greater coverage when, for example, the Human Rights Commission holds a public hearing on an alleged act of discrimination.

K. Yukon

303. The Government of the Yukon territory reports that, in the period covered by the present report, no new developments occurred which would add to the information already contained in previous reports.

L. Northwest Territories

304. The Government of the Northwest Territories reports that, in the period covered by the present report, no new developments occurred which would add to the information already contained in previous reports.